

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 03-23-2010
PHILIP G. URRY, CLERK
BY: DN

ROBERT EARL KRONCKE,) 1 CA-CV 09-0335
)
Plaintiff-Appellant,) DEPARTMENT D
)
v.) Maricopa County
) Superior Court
CITY OF PHOENIX; MARVIN A.) No. CV 2008-020850
SONDAG; JUDITH A. TOWNSEND;)
MARCO LING; JOHN JUSLIN; SAM) D E C I S I O N
DELILLO; BRUCE BORCHERT; WILLIAM) O R D E R
CRISWELL; PETER VAN HAREN,)
)
Defendants-Appellees.)
_____)

This matter came on for conference on March 17, 2010, before Presiding Judge Patricia A. Orozco and Judges Diane M. Johnsen and Maurice Portley participating. We determine that we lack jurisdiction over this appeal. See *Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465, 957 P.2d 1007, 1008 (App. 1997) (this court has an independent duty to determine whether it has appellate jurisdiction).

Robert Earl Kroncke ("Appellant") appeals from the superior court's order dismissing the City of Phoenix as a defendant in this case. That order does not include an express determination required by Arizona Rule of Civil Procedure 54(b) for establishing the order's finality when other claims are pending.

Here, claims against the individually-named defendants remain unadjudicated. The order from which Appellant seeks relief is therefore not a final judgment, and we consequently do not have jurisdiction over this appeal. See Ariz. Rev. Stat. § 12-2101(B) (2003) (only "final" judgments may be appealed); *Pulaski v. Perkins*, 127 Ariz. 216, 217, 619 P.2d 488, 489 (App. 1980).

IT IS ORDERED dismissing this appeal for lack of jurisdiction.

/s/

PATRICIA A. OROZCO
PRESIDING JUDGE